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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

In re Application of	:	DECISION
PARK et al.	:	
Application No.: 10/570,589	:	
PCT No.: PCT/JP2004/012487	:	
Int. Filing Date: 30 August 2004	:	
Priority Date: 29 August 2003	:	
Attorney Docket No.: 6499570904	:	
For: RECOMBINANT VIRUS VECTOR . . .	:	
THE SAME	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 17 July 2009.

**BACKGROUND**

On 30 August 2004, applicant filed international application PCT/JP2004/012487, which designated the U.S. and claimed a priority date of 29 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 10 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2006.

On 28 February 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/915) requiring, *inter alia*, compliance with certain sequence listing rules.

On 12 June 2007, applicants filed a response to the Form PCT/DO/EO/905.

On 13 June 2008, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the response filed 12 June 2007 was not sufficient.

On 10 July 2008, applicants filed a response to the Form PCT/DO/EO/916.

On 12 September 2008, the DO/EO/US mailed a second NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, inter alia, that the response filed 10 July 2008 was not sufficient.

On 14 October 2008, applicants filed a response to the second PCT/DO/EO/916.

On 09 June 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to properly respond to the NOTIFICATION OF MISSING REQUIREMENTS within the time period set therein. (The response filed 14 October 2008 was also insufficient.)

On 17 July 2009, applicants filed the instant submission.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), a proper response to the NOTIFICATION OF MISSING REQUIREMENTS was filed 17 July 2009.

As to item (2), applicant submitted the petition fee on 17 July 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301